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8 UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA
10 SOUTHERN DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 \$234,824.81 IN FUNDS SEIZED
15 FROM ONE FIDELITY INVESTMENTS,
16 INC. ACCOUNT, ET AL.,

17 Defendants.

18 MIHAE PARK, GEORGE RAY KERCIU,
19 AND THE KERCIU LIVING TRUST,

20 Claimants.

No. SACV 18-00626-JVS(JDEx)

**FIRST AMENDED CONSENT JUDGMENT OF
FORFEITURE BETWEEN PLAINTIFF
UNITED STATES OF AMERICA AND
CLAIMANTS MIHAE PARK, GEORGE RAY
KERCIU AND THE KERCIU LIVING TRUST**

21 Pursuant to the stipulation and request of Plaintiff United
22 States of America and Claimants Mihae Park, George Ray Kerciu and The
23 Kerciu Living Trust (the "Claimants"), the Court hereby enters this
24 Consent Judgment of Forfeiture containing the terms set forth below:

25 On or about April 16, 2018, Plaintiff United States of America
26 ("the government," "the United States of America" or "plaintiff")
27 filed a Verified Complaint for Forfeiture alleging that defendants
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1 \$234,824.81 in Funds Seized from One Fidelity Investments, Inc.
2 Account, \$50,800.00 in Funds Seized From One Allstar Capital Group,
3 Inc. Account, \$6,857.70 in Funds Seized from One JPMorgan Chase
4 Account, One 2015 Volkswagen GTI, and \$128,600.00 in Funds
5 Representing substitute res for One 2012 Ferrari California, (jointly
6 the "defendants") are subject to forfeiture pursuant to 18 U.S.C. §§
7 981(a)(1)(A) & (C) and § 21 U.S.C. § 984.

8 On or about May 9, 2018, the Claimants filed a claim to the
9 defendants.

10 No other parties have appeared in this case and the time for
11 filing claims and answers has expired.

12 The United States of America and the Claimants have now agreed
13 to settle this action relative to the disputes between them and to
14 avoid further litigation by entering into this Consent Judgment of
15 Forfeiture.

16 The Court, having been duly advised of and having considered the
17 matter, and based on the mutual consent of the United States of
18 America and the Claimants,

19 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

20 1. As between the United States of America and the Claimants
21 with respect to the defendants, this Court has jurisdiction over the
22 subject matter of this action and the parties to this Consent
23 Judgment of Forfeiture.

24 2. As between the United States of America and the Claimants,
25 the Complaint for Forfeiture states a claim for relief pursuant to 18
26 U.S.C. §§ 981(a)(1)(A) and (C) and 18 U.S.C. § 984.

27 3. Notice of this action has been given as required by law.
28 No appearances have been made in the litigation by any person other

1 than the Claimants. The Court deems that all other potential
2 claimants except Mihae Park, George R. Kerciu, and The Kerciu Living
3 Trust, admit the allegations of the Complaint for Forfeiture to be
4 true.

5 4. The Claimants' interests in the defendants \$234,824.81 in
6 Funds Seized from One Fidelity Investments, Inc. Account, \$50,800.00
7 in Funds Seized From One Allstar Capital Group, Inc. Account,
8 \$6,857.70 in Funds Seized from One JPMorgan Chase Account, One 2015
9 Volkswagen GTI, and \$128,600.00 in Funds Representing the Substitute
10 Res for One 2012 Ferrari California, shall be and hereby are
11 condemned and forfeited to the United States of America, which shall
12 dispose of those items in accordance with law.

13 5. The Claimants hereby release the United States of America,
14 its agencies, agents, officers, employees and representatives,
15 including, without limitation, all agents, officers, employees and
16 representatives of the Internal Revenue Service-Criminal
17 Investigation, Department of Homeland Security, Immigration and
18 Customs Enforcement, Homeland Security Investigations, and the
19 Department of Justice and their respective agencies, as well as all
20 agents, officers, employees and representatives of any state or local
21 governmental or law enforcement agency involved in the investigation
22 or prosecution of this matter, from any and all claims (including,
23 without limitation any petitions for remission), actions or
24 liabilities arising out of or related to this action, including,
25 without limitation, any claim for attorney fees, costs and interest,
26 which may be asserted by or on behalf of the Claimants with respect
27 to the defendants, whether pursuant to 28 U.S.C. § 2465 or otherwise.

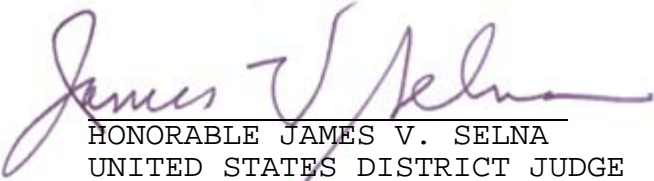
28 6. As between the United States of America and the Claimants,

1 (i) the Court finds that there was reasonable cause for the seizure
2 of the defendants and institution of these proceedings; and (ii) this
3 judgment shall be construed as a certificate of reasonable cause
4 pursuant to 28 U.S.C. § 2465.

5 7. As between the United States of America and the Claimants,
6 the Court further finds that the Claimants did not substantially
7 prevail in this action, and the parties hereto shall bear their own
8 attorney fees and costs.

9 8. The United States of America and the Claimants consent to
10 this judgment and waive any right to appeal this judgment.

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14 DATED: April 03, 2019


HONORABLE JAMES V. SELNA
UNITED STATES DISTRICT JUDGE

15 Presented by:

16 NICOLA T. HANNA
17 United States Attorney
18 LAWRENCE S. MIDDLETON
19 Assistant United States Attorney
20 Chief, Criminal Division
21 STEVEN R. WELK
22 Assistant United States Attorney
23 Chief, Asset Forfeiture Section

24 /s/ Brent A. Whittlesey
25 BRENT A. WHITTLESEY
26 Assistant United States Attorney

27 Attorneys for Plaintiff
28 UNITED STATES OF AMERICA